

Serial No.: 10/602,546
Filing Date: June 23, 2003

REMARKS

Claims 1-12 are pending. Amendment to and cancellation of the claims does not affect inventorship.

Restriction Requirement

The Examiner requires Applicants to elect one of the following groups of inventions:

- I. Claims 1-10 drawing to a process of treating a target plant to confer stress tolerance by treating with a culture of *Curvularia*, classified in Class 435, subclass 171, for example.
- II. Claim 11 drawn to a process of promoting growth in a target plant by treating with a culture of *Curvularia*, classified in Class 504, subclass 117, for example.
- III. Claim 12 drawn to a pure culture of *Curvularia*, classified in Class 435, subclass 254.1, for example.

Election

Applicants elect **Group I (claims 1-10)**, drawn to a process of treating a target plant to confer stress tolerance by treating with a culture of *Curvularia*, without traverse. Thus, please withdraw claims 11 and 12.

Conclusion

This response is being filed on or before April 7, 2006, along with a Petition for a Three Month Extension of Time and an appropriate fee, thus making this a timely response. Applicants believe no additional fees are due. However, the Commissioner is authorized to charge fees which may be required, including extension fees, or credit any overpayment, to Deposit Account No. 50-2319 (File No. 470425-00018 ; Docket No. A-72343/RMS/SDS).

Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: March 13, 2006
Dorsey & Whitney LLP
Intellectual Property Department
555 California Street, Suite 1000
San Francisco, CA 94104-1513
Telephone: (415) 781-1989
Facsimile: (415) 398-3249

BY:


Robin M. Silva, Reg. No. 38,304

Customer Number: 32940